Finance Act 2021

CHAPTER 26

FINANCE ACT 2021

PART 1

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30 Construction industry scheme

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49 Meaning of “plastic” and “recycled plastic”
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135 Interpretation
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**SCHEDULES**

**SCHEDULE 1** — Small profits rate for non-ring fence profits

**PART 1** — SMALL PROFITS RATE

1 CTA 2010 is amended as follows.
2 In section 3 (corporation tax rates), for subsection (2) substitute—...
3 Before Part 4 insert the following as a new Part...

**PART 2** — AMENDMENTS OF CHAPTER 3A OF PART 8 OF CTA 2010

4 Chapter 3A of Part 8 of CTA 2010 (rates at...
5 In section 279A (corporation tax rates on ring fence profits),...
6 In section 279B (company with only ring fence profits)—
7 (1) Section 279C (company with ring fence profits and other...
8 After section 279D insert— The remaining amount (1) In section 279C “the remaining amount” means the amount...
9 (1) Section 279E (the lower limit and the upper limit)... 
10 After section 279E insert— Supplementary Interpretation etc (1) The rules in Part 3A (see sections 18E to...
11 Omit sections 279F to 279H (meaning of “related 51% group...

**PART 3** — CONSEQUENTIAL AMENDMENTS

12 FA 1998
13 Corporation Tax (Instalment Payments) Regulations 1998
14 FA 2000
15 CAA 2001
16 (1) Section 99 (long-life assets: the monetary limit) is amended...
17 In Part 2 of Schedule 1 (defined expressions), omit the...
18 CTA 2010
In section 1(2) (overview of Act)— (a) for “Parts 4”...

Section 357BN (profits arising from the exploitation of patents...)

Section 357BNB (profits arising from the exploitation of patents...)

In section 534 (REITs: profits), after subsection (2) insert—

In section 535 (REITs: gains), after subsection (5) insert—

In section 543 (REITs: financing-cost ratio), after subsection (4) insert...

In section 551 (REITs: distribution to holder of excessive rights),...

In section 564 (REITs: breach of condition as to distribution...)

In section 614 (open-ended investment companies: applicable corporation tax rate),...

In section 618 (authorised unit trusts: applicable corporation tax rate),...

For section 627 substitute— Meaning of “main rate of corporation...

In section 1119 (Corporation Tax Acts definitions), omit the definition...

In Schedule 4 (index of defined expressions)—

FA 2012

PART 4 — COMMENCEMENT ETC

Commencement

(1) The other amendments made by this Schedule have effect...

Power to make further consequential amendments

SCHEDULE 2 — Temporary extension of periods to which trade losses may be carried back

PART 1 — INCOME TAX

Relief for trade losses made in tax year 2020-21

Relief for trade losses made in tax year 2021-22

Further provision about relief under paragraph 1 or 2

PART 2 — CORPORATION TAX

Relief for trade losses incurred in accounting periods ending in financial year 2020 or 2021

Cap on claims by company that is not a member of a 2020 group or 2021 group

Non-de minimis claims to be made after end of financial year

Non-de minimis claims to be made in company tax return

Meaning of “de minimis claim” etc

Cap on non-de minimis claims by company that is a member of a 2020 group or 2021 group

Non-de minimis claims by group company to conform with statement

Loss carry-back allocation statements

Anti-avoidance

Interpretation

Power to modify

SCHEDULE 3 — R&D tax credits for SMEs

Introductory

Cap on amount of tax credit

After section 1058 insert— Relevant expenditure on workers (1) For the purposes of section 1058, the amount of...

Commencement

SCHEDULE 4 — R&D tax credits for SMEs: Northern Ireland companies

Cap on amount of tax credit

For subsection (2) substitute— (2) The amount of the R&D...
3 For subsection (3) substitute— (3) The amount of the R&D...
4 In subsection (4), for the words from “sum of” to...
5 After subsection (4) insert— (4A) Subsection (4)(b) does not apply...
6 Commencement

SCHEDULE 5 — Pension schemes: collective money purchase benefits

PART 1 — AMENDMENTS OF PART 4 OF FA 2004

1 Part 4 of FA 2004 is amended in accordance with...
2 (1) Section 152 (meaning of “arrangement”) is amended as follows....
3 (1) In section 165 (pension rules), subsection (1) is amended...
4 (1) In section 167 (pension death benefit rules), subsection (1)...  
5 (1) Section 172C (allocation of unallocated employer contributions) is amended...
6 (1) Section 182 (unauthorised borrowing: money purchase arrangements) is amended...
7 (1) Section 183 (effect of unauthorised borrowing: money purchase arrangements)...
8 (1) Section 184 (unauthorised borrowing: other arrangements) is amended as...
9 (1) Section 212 (valuation of uncrystallised rights for purposes of...
10 (1) Section 216 (benefit crystallisation events and amounts crystallised) is...
11 (1) Section 223 (non-residence: other arrangements) is amended as follows....
12 (1) Section 226 (overseas scheme transfers: other arrangements) is amended...
13 (1) Section 227B (the alternative chargeable amount) is amended as...
14 (1) Section 227C (meaning of “money-purchase input sub-total”) is amended...
15 (1) Section 227D (pension input amounts in respect of certain...
16 (1) Section 227F (pension input periods in which rights are...
17 (1) Section 227G (when pension rights are first flexibly accessed)...  
18 (1) Section 237 (hybrid arrangements) is amended as follows...
19 In section 280 (abbreviations and general index), in the table...
20 (1) Schedule 28 (authorised pensions: supplementary) is amended as follows....
21 (1) Schedule 29 (authorised lump sums - supplementary) is amended...
22 (1) Schedule 32 (benefit crystallisation events - supplementary) is amended...
23 (1) Schedule 36 (transitional provision and savings) is amended as...
24 (1) In the Registered Pension Schemes (Transfer of Sums and...

PART 2 — COMMENCEMENT

25 (1) The amendments made by this Schedule come into force...

SCHEDULE 6 — Construction industry scheme: amendments

1 Introductory
2 Contractors
3 (1) This paragraph applies where— (a) the condition in section...
4 Deductions for materials
5 Grace period
6 Restrictions on set-off
7 Penalties
8 Commencement
SCHEDULE 7 — Hybrid and other mismatches

PART 1 — MEANING OF “TAX”
1 After section 259B(3) of TIOPA 2010 insert—

PART 2 — CHAPTER 3 MISMATCHES: RELEVANT DEBT RELIEF CIRCUMSTANCES
2 Part 6A of TIOPA is amended as follows.
3 In section 259CB (hybrid or otherwise impermissible deduction/non-inclusion mismatches and...
4 In section 259CC (interpretation of section 259CB), after subsection (3)...
5 After section 259NEA insert— Relevant debt relief circumstances Relevant debt...

PART 3 — CHAPTER 3 MISMATCHES: INVESTMENT TRUSTS
6 Chapter 3 of Part 6A of TIOPA is amended as...
7 In section 259CB (hybrid or otherwise impermissible deduction/non-inclusion mismatches and...
8 In section 259CC (interpretation of section 259CB), after subsection (3A)...

PART 4 — DEEMED DUAL INCLUSION INCOME
9 Part 6A of TIOPA 2010 (hybrid and other mismatches) is...
10 (1) Chapter 5 (hybrid payer deduction/non-inclusion mismatches) is amended as...
11 (1) Chapter 6 (deduction/non-inclusion mismatches relating to transfers by permanent...
12 (1) Chapter 9 (hybrid entity double deduction mismatches) is amended...
13 (1) Chapter 10 (dual territory double deduction cases) is amended...

PART 5 — DEEMED DUAL INCLUSION INCOME: ANTI-AVOIDANCE
14 In Chapter 13 of Part 6A of TIOPA 2010 (hybrid...

PART 6 — ALLOCATION OF DUAL INCLUSION INCOME WITHIN GROUP
15 (1) Part 6A of TIOPA 2010 is amended as follows....
16 In Schedule 18 to FA 1998 (company tax returns, assessments...

PART 7 — FINANCING COST OF LOAN CAPITAL
17 (1) Chapter 6 of Part 6A of TIOPA 2010 (hybrid...

PART 8 — CHAPTERS 9 AND 10: CARRY FORWARD OF ILLEGITIMATE OVERSEAS DEDUCTION
18 (1) Part 6A of TIOPA is amended as follows.

PART 9 — IMPORTED MISMATCHES
19 Chapter 11 of Part 6A of TIOPA (imported mismatches) is...
20 In section 259K (overview of chapter), after subsection (4A) insert—...
21 (1) Section 259KA (circumstances in which Chapter) is amended as...
22 In section 259KC(2A), at the end insert “and section 259KE...
23 After section 259KD insert— Limit on reduction under section 259KC...

PART 10 — MEANING OF “ACT TOGETHER”
24 (1) Section 259ND of TIOPA 2010 (meaning of “50% investment”...

PART 11 — EXEMPT INVESTORS IN HYBRID ENTITIES
25 Part 6A of TIOPA 2010 is amended as follows.
26 In section 259BC (the basic rules), after subsection (8) insert—...
27 (1) Section 259EB (hybrid payer deduction/non-inclusion mismatches and their extent)...
28 In section 259GB (hybrid payee deduction/non-inclusion mismatches and their extent)....
29 After section 259ND insert— Qualifying institutional investors etc

PART 12 — INTERACTION WITH PART 4 OF TIOPA 2010

30 TIOPA 2010 is amended as follows.
31 In Part 4 (transfer pricing), after section 192 insert— Provision...
32 In Chapter 11 of Part 6A (imported mismatches), in section...
33 After section 259KE (as inserted by paragraph 23) insert— Provision...

PART 13 — SECURITISATION COMPANIES

34 After section 259NE of TIOPA 2010 insert— Securitisation companies Securitisation...

PART 14 — TRANSPARENT FUNDS

35 (1) Part 6A of TIOPA 2010 is amended as follows....

PART 15 — COMMENCEMENT

36 Part 6A of TIOPA 2010 has effect, and is deemed...
37 The amendments made by Parts 1, 4, 5, 8, 9,...
38 (1) For the purposes of paragraph 37, where there is...
39 (1) Notwithstanding paragraph 37, a taxpayer may make an election...
40 (1) Part 6 of this Schedule (allocation of dual inclusion...

SCHEDULE 8 — Relief from corporation tax for losses and other amounts

PART 1 — ALLOCATION OF DEDUCTIONS ALLOWANCE OF FORMER GROUPS

1 Part 7ZA of CTA 2010 (restrictions on deductions for carried-forward...
2 After section 269ZS (group deductions allowance and the nominated company)...
3 After section 269ZV (group allowance allocation statement: requirements and effects)...

PART 2 — OTHER AMENDMENTS OF CTA 2010

4 Amendments of section 137 of CTA 2010
5 Amendments of Part 5A of CTA 2010
6 In section 188BE (restriction on surrendering losses etc where surrendering...
7 (1) Section 188DD (claimant company’s relevant maximum for overlapping period)...
8 Amendments of Part 7ZA of CTA 2010
9 In section 269ZF(3) (steps for determining a company’s qualifying trading...
10 In section 269ZFA (“relevant profits” for purposes of section 269ZD)....
11 (1) Section 269ZT (group allowance allocation statement: submission) is amended...
12 In section 269ZV(5) (maximum amount of group deductions allowance that...
13 Amendments of Chapter 7 of Part 14 of CTA 2010
14 In section 719(4A) (certain acquisitions giving rise to a change...
15 In section 721(4) (things other than ordinary share capital that...

PART 3 — COMMENCEMENT AND TRANSITIONAL PROVISION

16 Commencement
17 The amendments made by paragraphs 4, 6 and 11 have...
18 The amendments made by paragraph 7 have effect as if...
19 The amendments made by paragraphs 9 and 10 are to...
20 The amendments made by paragraph 12 have effect in relation...
21 The amendments made by paragraphs 14 and 15 have effect...
22 Transitional provision
23 (1) This paragraph applies where, in a case to which...
SCHEDULE 9 — Plastic packaging tax: secondary liability and assessment notices and joint and several liability notices

PART 1 — SECONDARY LIABILITY AND ASSESSMENT NOTICES

1 Effect of secondary liability and assessment notice
2 Test for giving a secondary liability and assessment notice
3 Content of secondary liability and assessment notice
4 Copy of notice to be given to P
5 Application to revoke or reduce amount
6 Limitation on secondary liability
7 Reduction of amount where P’s liability is reduced
8 No double payment

PART 2 — JOINT AND SEVERAL LIABILITY NOTICES

9 Effect of joint and several liability notice
10 Test for giving joint and several liability notice
11 Content of joint and several liability notice
12 Copy of notice to be given to P
13 Revocation
14 (1) P may apply to the Commissioners to revoke a...
15 (1) The Commissioners may by regulations make further provision about—...
16 Assessments of liability
17 Adjustments
18 Limitation on assessments
19 No double payment

PART 3 — APPLICATION OF SCHEDULE 10

(1) Schedule 10 applies with any necessary modifications, and subject...

PART 4 — INTERPRETATION

20 Interpretation: related businesses
21 Interpretation: general

SCHEDULE 10 — Plastic packaging tax: recovery and overpayments

PART 1 — RECOVERY

1 Recovery as a debt due
2 Assessments of amounts of plastic packaging tax due
3 (1) Sub-paragraph (2) applies where— (a) the Commissioners have made...
4 Supplementary assessments
5 Further provision about assessments under paragraphs 2 and 4
6 Time limits for assessments

PART 2 — REPAYMENTS

7 Repayments of overpaid tax
8 Supplementary provision about repayment etc
9 (1) This paragraph applies where— (a) an amount has been...
10 Reimbursement arrangements
11 Assessment for excessive repayment
12 Supplementary assessments
13 Further provision about assessments under paragraphs 11 and 12
14 Time limit for assessments

SCHEDULE 11 — Plastic packaging tax: reviews and appeals

PART 1 — APPEALABLE DECISIONS ETC

1 Appealable decisions etc
2 In Parts 2 and 3 of this Schedule, references to...
PART 2 — REVIEWS

3 Offer of review
4 Right to require review
5 Review by HMRC
6 Extensions of time for requiring review
7 Review out of time
8 Nature of review etc

PART 3 — APPEALS

9 “Appeal tribunal”
10 Bringing of appeals
11 Further provision about appeals
12 Determinations on appeal

SCHEDULE 12 — Plastic packaging tax: information and evidence

PART 1 — INFORMATION

1 Power to take samples
2 Disclosure of information

PART 2 — EVIDENCE

3 Evidence by certificate
4 Inducements to provide information

SCHEDULE 13 — Plastic packaging tax: groups of companies

1 Bodies eligible for group treatment
2 For the purposes of paragraph 1 — (a) two or more...
3 Application for group treatment
4 (1) The Commissioners may only refuse an application under paragraph...
5 Applications to modify group treatment
6 (1) The Commissioners may only refuse an application under paragraph...
7 Applications relating to group treatment
8 Termination of group treatment by the Commissioners
9 Where— (a) a body corporate ceases to be treated as...
10 (1) The time specified in a notice under paragraph 8(a)...
11 Notifications relating to group treatment
12 Regulations about applications and notifications

SCHEDULE 14 — Plastic packaging tax: assessment of penalties under section 80

1 Interpretation
2 Assessment etc of penalty
3 (1) Sub-paragraph (2) applies where— (a) the Commissioners have made...
4 Further provision about assessments under paragraphs 2 and 3
5 The fact that an act or omission giving rise to...
6 (1) Sub-paragraph (2) applies where— (a) the Commissioners assess a...
7 Assessment etc of daily penalties
8 (1) Sub-paragraph (2) applies where— (a) an assessment to a...
9 Time limits for assessments

SCHEDULE 15 — Plastic packaging tax: amendments of other legislation

PART 1 — PENALTIES

1 Failure to notify etc
2 Failure to comply with requirements relating to returns
3 (1) In Schedule 10 to F(No.3)A 2010 (which prospectively amends... 
4 Failure to make payment on time 
5 (1) In Schedule 11 to F(No.3)A 2010 (which prospectively amends... 
6 Errors in documents 
7 Failure to disclose tax avoidance schemes 
8 Modifications

PART 2 — MISCELLANEOUS
9 Provisional collection of plastic packaging tax 
10 Isle of Man 
11 HMRC powers to obtain information etc 
12 Interest 
13 Serial tax avoidance

SCHEDULE 16 — SDLT: increased rates for non-resident transactions 
1 Amendments of FA 2003 
2 After section 75 insert— Increased rates for non-resident transactions Increased...
3 In section 101 (unit trust schemes), in subsection (7), at...
4 In section 122 (index of defined expressions), in the table,...
5 After Schedule 9 insert— SCHEDULE 9A Increased rates for non-resident...
6 Commencement

SCHEDULE 17 — SDLT (relief from higher rate charge for certain housing co-operatives etc): minor and consequential amendments 
1 Part 4 of FA 2003 (stamp duty land tax) is...
2 (1) Section 81 (further return where relief withdrawn) is amended...
3 (1) Section 81ZA (alternative finance arrangements: return where relief withdrawn)... 
4 (1) Section 85 (liability for tax) is amended as follows....
5 (1) Section 86 (payment of tax) is amended as follows....
6 In section 87(3) (interest on unpaid tax)—
7 (1) Schedule 4A (stamp duty land tax: higher rate for...
8 In Schedule 10 (returns, assessments and other matters), in paragraph...

SCHEDULE 18 — VAT and distance selling: Northern Ireland

PART 1 — AMENDMENTS TO SCHEDULES 9ZA AND 9ZB TO VATA 1994
1 Amendments to Part 9 of Schedule 9ZA to VATA 1994 
2 (1) Paragraph 48 (liability to be registered) is amended as...
3 (1) Paragraph 49 (ceasing to be liable to be registered)...
4 Amendments to Part 5 of Schedule 9ZB to VATA 1994

PART 2 — AMENDMENTS RELATING TO THE ONE STOP SHOP AND IMPORT ONE STOP SHOP SCHEMES
5 In section 40A of VATA 1994 (Northern Ireland Protocol) after...
6 After Schedule 9ZC to VATA 1994 insert— SCHEDULE 9ZD Distance...

PART 3 — OMISSION OF PART 2 OF SCHEDULE 9ZC TO VATA 1994
7 In Schedule 9ZC to VATA 1994 (online sales by overseas...

PART 4 — AMENDMENTS RELATING TO SUPPLIES OF GOODS BY PERSONS ESTABLISHED OUTSIDE THE UNITED KINGDOM THAT ARE FACILITATED BY ONLINE MARKETPLACES 
8 (1) Schedule 9ZC to VATA 1994 is amended as follows....
SCHEDULE 19 — Deferring VAT payment by reason of the coronavirus emergency
1 Definitions
2 Power to agree to further defer payment
3 No surcharge
4 Penalty
5 Amount of penalty
6 Assessment of penalty
7 Payment of penalty
8 Recovery of penalty
9 Reviews and appeals
10 Double jeopardy
11 Notifications etc

SCHEDULE 20 — Customs duty: steel products
1 The Customs (Northern Ireland) (EU Exit) Regulations 2020 (S.I. 2020/1605)...
2 Duty on certain steel products imported on or after 3 March 2021
3 Duty on certain steel products imported before 3 March 2021
4 Duty on certain steel products removed to Northern Ireland on or after 3 March 2021
5 Duty on certain steel products removed to Northern Ireland after IP completion day
6 Interpretation
7 Power to extend application of the regulations to other goods

SCHEDULE 21 — Restriction of use of rebated diesel and biofuels
1 HODA 1979 is amended as follows.
2 In section 6AA (excise duty on biodiesels), in subsection (2)—...
3 (1) In section 6AB (excise duty on blends of biodiesel...
4 In section 6A (fuel substitutes), in subsection (2)—
5 (1) In section 12 (rebate not allowed on fuel for...
6 (1) Section 13 (penalties for contravention of section 12) is...
7 (1) In section 13ZB (restrictions on supply of certain heavy...
8 (1) Section 13AA (restrictions on use of rebated kerosene) is...
9 In section 13AB (penalty for contravention of section 13AA), in...
10 (1) Section 14A (rebate on biodiesel used other than as...
11 (1) Section 14B (rebate on bioblend used other than as...
12 (1) Section 14C (restrictions on use of rebated diesel and...
13 (1) Section 14D (penalties for misuse of rebated biodiesel or...
14 Omit section 14E (rebated heavy oil and bioblend: private pleasure...
15 Omit section 14F (penalties for contravention of section 14E).
16 (1) Section 19 (fuel used in fishing boats etc) is...
17 (1) In section 20AAA (mixing of rebated oil), in subsection...
18 (1) In section 24 (control of use of duty-free and...
19 (1) Section 24A (penalties for misuse of marked oil) is...
20 (1) Section 27 (interpretation) is amended as follows.
21 Omit Schedule 1 (excepted vehicles).
22 Before Schedule 2 insert— SCHEDULE 1A Excepted machines Section...
23 (1) Schedule 4 (subjects for regulations under section 24) is...
24 (1) In Schedule 5 (sampling), in paragraph 7, after “vehicle”...

SCHEDULE 22 — Capital allowances for freeport tax sites
PART 1 — FIRST-YEAR ALLOWANCE FOR PLANT AND MACHINERY

1 Part 2 of CAA 2001 (plant and machinery allowances) is...
2 In section 39 (first-year allowances available for certain types of... 
3 After section 45N insert — Expenditure on plant and machinery for...
4 In section 46(1) (general exclusions applying to first-year qualifying expenditure),...
5 In section 52(3) (amount of first-year allowances), in the Table,...

PART 2 — STRUCTURES AND BUILDINGS ALLOWANCES

6 Part 2A of CAA 2001 (structures and buildings allowances) is...
7 (1) Section 270AA (structures and buildings allowances) is amended as...
8 In section 270BJ (expenditure on renovation, conversion or incidental repairs),...
9 In section 270BK(3) (preparation of sites), for “and 270AB” substitute...
10 After section 270BN insert — CHAPTER 2A Freeport qualifying expenditure Meaning...
11 (1) Section 270EB (multiple uses) is amended as follows.
12 In section 270IA(4) (evidence of qualifying expenditure etc), after subsection...

PART 3 — RELATED AMENDMENTS

13 TMA 1970
14 CAA 2001
15 (1) Section 3 (claims for capital allowances) is amended as...
16 (1) Section 570B (orders and regulations) is amended as follows....
17 After section 573 insert — Freeport tax sites In this Act, “freeport tax site” means an area for...
18 In Part 2 of Schedule 1 to CAA 2001 (defined...
11 (1) This paragraph applies if the adjusted number of penalty...
12 (1) This paragraph applies if the adjusted number of penalty...
13 (1) Paragraph 8 applies in relation to the new group...
14 Penalty points: effect of change of representative member of VAT group
15 Liability to penalties
16 Assessments
17 Time limit for assessments
18 Power to amend figures by regulations
   PART 3 — SUPPLEMENTARY PROVISION
19 Reasonable excuse
20 Double jeopardy
21 Withdrawal of notice to make a return
22 Appeals
23 (1) An appeal under paragraph 22 is to be treated...
24 (1) On an appeal under paragraph 22 that is notified...
25 Partnerships
26 Settlements

SCHEDULE 25 — Penalties for deliberately withholding information
   PART 1 — INTRODUCTION
1 Introduction
2 Interpretation
   PART 2 — LIABILITY TO A PENALTY
3 Penalty for deliberately withholding information
4 Categories of information
5 Power to make changes relating to categories of information by regulations
6 Offshore transfers
7 Reductions for disclosure
8 (1) If a person who would otherwise be liable to...
9 Special reduction
10 Interaction with other penalties
11 Determination of penalty where no return made
12 Assessments
13 Supplementary assessments
14 Time limit for assessments
   PART 3 — SUPPLEMENTARY PROVISION
15 Double jeopardy
16 Withdrawal of notice to make a return
17 Appeals
18 (1) An appeal under paragraph 17 is to be treated...
19 (1) On an appeal under paragraph 17(1) that is notified...
20 Partnerships
21 Regulations: supplementary provision

SCHEDULE 26 — Penalties for failure to pay tax
   PART 1 — INTRODUCTION
1 Introduction
2 In this Schedule, “HMRC” means Her Majesty’s Revenue and Customs....
3 Assessments and determinations in default of return
   PART 2 — LIABILITY TO A PENALTY
4 No penalty if payment in full before end of 15 day period
First penalty: tax remains due at end of 15 day period
5

Meaning of “15 day time to pay condition” and “30 day time to pay condition”
6

First penalty: effect of breaking time to pay agreement
7

Second penalty: tax remains due at end of 30 day period
8

Second penalty: effect of breaking time to pay agreement
9

Interpretation of Part 2
10

Power to amend figures by regulations
11

PART 3 — SUPPLEMENTARY PROVISION
12

Reasonable excuse
13

Special reduction
14

Double jeopardy
15

Interaction with other penalties
16

Assessments
17

(1) A supplementary assessment may be made in respect of...
18

Time limit for assessments
19

Appeals
20

(1) An appeal under paragraph 19 is to be treated...
21

(1) On an appeal under paragraph 19(1) that is notified...
22

Regulations: supplementary provision
23

SCHEDULE 27 — Schedules 24 to 26: consequential provision
24

Taxes Management Act 1970
25

For section 8B(8) (withdrawal of notice to file personal or...
26

For section 12AAA(9) (withdrawal of notice to file partnership return)...
27

In section 49E (nature of review etc), after subsection (5)...
28

After section 49E insert— Nature of review: penalties under Schedule...
29

After section 49F insert— Effect of conclusions of review: penalties...
30

In section 69 (recovery of penalty or interest), in subsection...
31

In section 103ZA (disapplication of sections 100 to 103 in...
32

(1) Section 107A (relevant trustees) is amended as follows.
33

Income and Corporation Taxes Act 1988
34

Social Security Contributions and Benefits Act 1992
35

In section 11A (application of certain provisions of the Income...
36

In section 16(1) (application of Income Tax Acts and destination...
37

Social Security Contributions and Benefits (Northern Ireland) Act 1992
38

Value Added Tax Act 1994
39

In the italic heading before section 59, omit “Default surcharge...
40

Omit sections 59 to 59B (default surcharge).
41

(1) Section 69 (breaches of regulatory provisions) is amended as...
42

In section 71 (construction of sections 59 to 70), in...
43

(1) Section 76 (assessment of amounts due by way of...
44

In section 77 (assessments: time limits and supplementary assessments),...
45

In section 81 (interest given by way of credit and...
46

In section 83 (appeals), in subsection (1) —
47

In section 83F (nature of review etc), after subsection (5)...
48

After section 83F insert— Nature of review: penalties under Schedule...
49

After section 83FA (inserted by paragraph 25) insert— Effect of...
50

In section 84 (further provisions relating to appeals), in subsection...
51

In Schedule 13 (transitional provisions and savings), omit paragraph...
52

Income Tax (Trading and Other Income) Act 2005
53
30 In the italic heading before section 54, for “, interest...  
31 In section 54 (penalties, interest and VAT surcharges)—  
32 In section 272 (application of trading income rules: GAAP), in...  
33 In section 272ZA (application of trading income rules: cash basis),...  
34 In the italic heading before section 869, for “, interest...  
35 In section 869 (penalties, interest and VAT surcharges: non trades...  
36 Corporation Tax Act 2009  
37 Finance Act 2009  
38 In section 108 (suspension of penalties during currency of agreement...  
39 (1) Schedule 55 (penalty for failure to make returns etc)...  
40 (1) Schedule 56 (penalty for failure to make payments on...  
41 Finance Act 2012  
42 Finance Act 2013  
43 Finance Act 2014  
44 Finance Act 2015  
45 Finance Act 2016  
46 In section 167 (simple assessments), omit subsections (3) and (4)....  
47 (1) Schedule 20 (penalties for enablers of offshore tax evasion...  
48 (1) Schedule 22 (asset-based penalty for offshore inaccuracies and failures)...  
49 In Schedule 23 (simple assessments), omit paragraph 9.  
50 Finance Act 2017  
51 Finance (No. 2) Act 2017  

SCHEDULE 28 — Follower notice penalties  
PART 1 — AMENDMENT OF CHAPTER 2 OF PART 4 OF FA 2014  
1 Chapter 2 of Part 4 of FA 2014 (follower notices)...  
2 Additional penalty for unreasonable tax appeal  
3 Amount of a section 208 or 208A penalty  
4 Assessment of a section 208A penalty  
5 Aggregate penalties  
6 Alteration of assessment of a section 208 or 208A penalty  
7 Cancellation of a section 208A penalty  
8 Appeal against a section 208A penalty  
PART 2 — AMENDMENTS CONSEQUENTIAL ON PART 1  
9 FA 2014  
10 In the heading of Schedule 30 (section 208 penalty: value...  
11 In Schedule 31 (follower notices and partnerships), after paragraph 4...  
12 (1) In Schedule 31, paragraph 5 is amended as follows....  
13 National Insurance Contributions Act 2015  
PART 3 — AMENDMENT OF SCHEDULE 20 TO FA 2015  
14 In Schedule 20 to FA 2015 (penalties in connection with...  
PART 4 — COMMENCEMENT  
15 The amendments made by Parts 1 and 2 of this...  
16 The reference in section 120(2) of FA 2015 (commencement) to...  

SCHEDULE 29 — Late payment interest and repayment interest: VAT  
1 FA 2009 is amended as follows.  
2 In section 102(4) (repayment interest on sums to be paid)...  
3 (1) Schedule 54 (repayment interest) is amended as follows.  
4 (1) Schedule 54A (further provision as to late payment interest)...  

SCHEDULE 30 — Amendments of Part 5 of FA 2014
PART 1 — STOP NOTICES AND INFORMATION & INSPECTION POWERS
1 After section 236 (of FA 2014) insert— Stop notices Power...
2 (1) Section 245 (withdrawal of monitoring notice) is amended as...
3 Omit section 262 (information required for monitoring compliance with conduct...
4 After section 272 insert— Application of Schedule 36 FA 2008...
5 (1) Section 273 (confidentiality) is amended as follows.
6 In section 283 (interpretation of Part 5), in subsection (1),...
7 In Schedule 34 (threshold conditions)— (a) for the italic heading...
8 (1) Section 35 (penalties) is amended as follows.

PART 2 — PROMOTION STRUCTURES
9 In section 235 (carrying on a business “as a promoter”),...
10 After Schedule 33 insert— SCHEDULE 33A Promotion structures Section 235...
11 In section 237 (duty to give conduct notice), after subsection...
12 In section 237A (duty to give conduct notice: defeat of...
13 In section 250 (allocation of promoter reference number), in...
14 (1) Section 251 (duty of monitored promoter to notify clients...
15 (1) Section 252 (duty of those notified to notify others...
16 In section 258 (duty of person dealing with non-resident monitored...
17 (1) Section 260 (intermediaries: duty to provide information about clients)... 
18 In section 283 (interpretation)— (a) in subsection (1), at the...
19 In Schedule 34 (threshold conditions) in paragraph 13B, in sub-paragraph...

PART 3 — CONDUCT AND MONITORING NOTICES: TRANSFEREES
20 Conduct notices: transferees 
21 Monitoring notices: transferees

PART 4 — MISCELLANEOUS AMENDMENTS
22 Conduct notices: significance of conditions 
23 Conduct notices: regular provision of information 
24 Conduct notices: withdrawal 
25 Conduct notices: duration 
26 Defeat notices 
27 Monitoring notices: applications to tribunal 
28 Threshold conditions 
29 (1) Paragraph 5 (non-compliance with Part 7 of FA 2004)...
30 In paragraph 7— (a) before the existing text, insert—
31 In paragraph 10 (exercise of information powers)—

SCHEDULE 31 — Disclosure of tax avoidance schemes
PART 1 — AMENDMENTS OF PART 7 OF FA 2004
1 Part 7 of FA 2004 (disclosure of tax avoidance schemes)...
2 Before section 306 insert— Introduction (1) This Part makes provision about the disclosure of information...
3 In section 307(4A) (meaning of “makes a firm approach”), omit...
4 After section 310C insert— Notice of potential allocation of reference...
5 For section 311 substitute— Allocation of reference number to arrangements...
6 (1) Section 312 (duty of promoter to notify client of...
7 After section 312 insert— Duty to notify client of reference...
8 (1) Section 312A (duty of client to notify parties of...
9 (1) Section 312B (duty of client to provide information to...  
10 (1) Section 313 (duty of parties to notifiable arrangements to...  
11 (1) Section 313ZA (duty to provide details of clients) is...  
12 (1) Section 313ZB (enquiry following disclosure of client details) is...  
13 (1) Section 313ZC (duty of employer to notify HMRC of...  
14 In section 316 (information to be provided in form and...  
15 In section 316A (duty to provide additional information), in subsections...  
16 (1) Section 316C (publication by HMRC) is amended as follows....  
17 In section 316D (section 316C: subsequent judicial rulings), in subsection...  
18 In section 318(1) (interpretation of Part 7), for the definition...  
19 Schedule 17 to F(No.2)A 2017 (disclosure of tax avoidance schemes...  
20 Before Part 1 insert— PART A1 Introduction (1) This Schedule makes provision about the disclosure of information...  
21 In paragraph 10(1) (meaning of “makes a firm approach”), omit...  
22 After paragraph 21 insert— Notice of potential allocation of reference...  
23 For paragraph 22 (and the italic heading before it) substitute—...  
24 In the italic heading before paragraph 23, at the end...  
25 (1) Paragraph 23 (duty of promoter to notify client of...  
26 After paragraph 23 insert— Duty to notify client of reference...  
27 (1) Paragraph 24 (duty of client to notify parties of...  
28 In the italic heading before paragraph 25, omit “to promoter”....  
29 (1) Paragraph 25 (duty of client to provide information to...  
30 For the italic heading before paragraph 26 substitute “Duty of...  
31 (1) Paragraph 26 (duty of parties to notifiable arrangements to...  
32 In the italic heading before paragraph 27 omit “of promoter”....  
33 (1) Paragraph 27 (duty of promoter to provide details of...  
34 (1) Paragraph 28 (enquiry following disclosure of client details) is...  
35 In paragraph 33 (duty to provide additional information), in subparagraphs...  
36 In paragraph 34 (information to be provided in form and...  
37 (1) Paragraph 36 (publication by HMRC) is amended as follows....  
38 In paragraph 37 (paragraph 36: subsequent judicial rulings), in subparagraph...  
39 (1) Paragraph 39 (penalty for failure to comply with duties...  
40 In paragraph 40 (penalties: supplementary), in sub-paragraph (2), after paragraph...  
41 In paragraph 57(1) (interpretation of Schedule), for the definition of...  
42 PART 2 — OTHER AMENDMENTS  
43 (1) Section 98C of TMA 1970 (notification under Part 7...  
44 (1) Chapter 3 of Part 4 of FA 2014 (accelerated...  
45 PART 4 — COMMENCEMENT  
46 This Schedule comes into force on the day on which...  
47 (1) Section 310D of FA 2004 (inserted by paragraph 4)...  
48 (1) Paragraph 21A of Schedule 17 to F(No.2)A 2017 (inserted...  

SCHEDULE 32 — The GAAR and partnerships  
PART 1 — NEW SCHEDULE TO FA 2013  
1 After Schedule 43C of FA 2013 insert— SCHEDULE 43D The...  
PART 2 — MINOR AND CONSEQUENTIAL AMENDMENTS TO PART 5 OF FA 2013
Part 5 of FA 2013 is amended as follows.

(1) Section 209 (counteracting tax advantages) is amended as follows.

After section 209AB insert— Adjustments under section 209: notices under...

(1) Section 209AC (sections 209AA and 209AB: definitions) is amended...

In section 210 (consequential relieving adjustments)— (a) in subsection (1)(b)...

In section 212A (penalty), in subsection (1)(c)(ii) for “paragraph (c)”...

In section 214(1)— (a) in the entry for “notice of...

(1) Schedule 43 (general anti-abuse rule: procedural requirements) is amended...

(1) Schedule 43A (procedural requirements: pooling notices and notices of...

(1) Schedule 43B (procedural requirements: generic referral of tax arrangements)...

(1) Schedule 43C (penalty under section 212A: supplementary provision) is...

SCHEDULE 33 — Licensing authorities: requirements to give or obtain tax information

Meaning of “authorisation”, “authorised activity” and “licensing authority” etc

First-time application: licensing authority required to give information about tax compliance

Renewed application: licensing authority required to obtain confirmation of tax check

HMRC required to make arrangements in connection with tax checks

Tax checks

Requirement to confirm completion of tax check ceases to apply if HMRC in default

Disclosure of information

Regulations

Interpretation

Partnerships

Consequential amendments

SCHEDULE 34 — Information powers: miscellaneous amendments

Schedule 36 to FA 2008 (information and inspection powers) is...

Disclosure of third party or financial institution notice

Increased daily default penalty

In paragraph 48 (procedure on appeal against penalty)—

(1) Paragraph 49A (increased daily penalty) is amended as follows....

(1) Paragraph 49B is amended as follows.

Omit paragraph 49C.

Power to give taxpayer notice following land transaction return

Commencement